

REMARKS

Claims 3-7, 16, 17 and 19-29 were previously pending in the application. Claims 3-7, 16, 17, 19-22 and 24-27 have been rejected and claims 23, 28 and 29 have been objected to.

Discussion of Amendments

After entry of this amendment, claims 3-7, 16, 17, 19, 22-25, 27 and 29 are pending. Claims 21, 26 and 28 have been cancelled.

Claim 3 has been amended to incorporate the limitations of claim 26 and to delete the requirement that the composition is substantially free of potent tyrosinase inhibitors.

Claim 19 has been amended to incorporate the limitations of claim 28.

Claim 23 has been rewritten in independent form, incorporating the limitations of original claim 19.

It is respectfully submitted that this amendment does not introduce new matter, and further places the application in immediate condition for allowance. Entry of this amendment is therefore respectfully requested.

Claim Rejections 35 USC § 112

Claims 3-7, 16, 17, 21, 26 and 27 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms that we objected to, "potent" and "substantially free," have been deleted from the claims.

Claim 21 has been cancelled.

It is respectfully submitted that these rejections have been obviated.

Claim Rejections 35 USC § 102 and 35 USC § 103

Claims 3-6 and 19-22 have been rejected under 35 U.S.C. 102(a) as being anticipated by JP 2003-002811.

Claims 3-6, 16, 19-22 and 24 have been rejected under 35 U.S.C. 102(b) as being anticipated by JP 2001-122730.

Claims 3, 4, 6, 16, 17, 19, 20, 22, 24 and 25 have been rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2003-002811.

Claims 3, 4, 6, 16, 17, 19, 20, 22, 24 and 25 have been rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2001-122730.

Allowable Subject Matter

Claims 23, 28 and 29 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7, 26 and 27 have been indicated to be allowable if rewritten to overcome rejections under 35 U.S.C. 112, 2nd paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims.

All of the currently pending independent claims of the present application have been amended to claim subject matter that has been indicated to be allowable.

Specifically, claim 3 has been amended to incorporate the limitations of claim 26. Claim 23 has been rewritten in independent form, incorporating the limitations of original claim 19. Claim 19 has been amended to incorporate the limitations of claim 28.

Conclusion

In view of the above amendments, it is respectfully submitted that the present claims are now in condition for allowance. Early favorable notice to that effect is now earnestly solicited. In the event that a phone conference between the Examiner and the Applicant's undersigned

attorney would help resolve any issues in the application, the Examiner is invited to contact said attorney at (651) 275-9811.

Respectfully Submitted,

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By: 

Dale A. Bjorkman, Reg. No. 33,084
Customer No. 33072
Phone: 651-275-9811
Fax: 651-351-2954